

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING  
COMMISSION  
WEDNESDAY, JUNE 19, 2019**

**CALL TO ORDER/ROLL CALL (6:02 pm)**

Commissioners Present: Graves, Stockness, Kelly, Lake

Commissioner Absent: Johnson

City Planner Staff: Parker

City Staff: Zetter, Naffah

**I. APPROVAL OF MINUTES**

*May 15, 2019*

*Motion (Kelly/Lake) to approve as submitted. Passed (3-0, 1 abstention from Stockness).*

**II. APPROVAL OF AGENDA**

*No formal motion to approve the agenda. Approval made by acclamation.*

**III. ITEMS FROM THE FLOOR**

No items from the floor.

**IV. AGENDA ITEMS**

1. ASBS Stormwater Improvement Project – Phase 2: Discussion/Decision on responses to comments and whether to approve the proposed Mitigated Negative Declaration and Initial Study for this project pursuant to the California Environmental Quality Act.

*Staff report*

City Planner Parker confirmed that third parties/agencies did not submit written comments, as of the meeting. She acknowledged and addressed the issue of cumulative impacts brought before her by the Planning Commissioners, and spoke to the matter of what a Negative Declaration is verse an EIR (Environmental Impact Report). Parker explained that cumulative impacts were anticipated early on and incorporated into the design of the project, so she has added a discussion regarding the cumulative impacts in the Negative Declaration to provide clarification. This explanation included discussing the 2012 Geotechnical Analysis and the 2013 Groundwater Model Technical Report that were prepared to inform and evaluate the design of the ASBS Stormwater Improvement Project, as bluff stability and groundwater were concerns. Parker explained these were developed as part of Phase 1 of the project.

Parker advised that she contacted the City Engineer to find out about the possible additional construction projects that could be occurring during the summer of 2020 (i.e. Stormwater Improvement Project, the Van Wycke Bicycle and Pedestrian Connectivity

Project, and the Trinidad Rancheria's parking lot improvement project for the Harbor area). Parker explained that the cumulative impacts caused by the ASBS Stormwater Improvement Project – Phase 2 is minimal (i.e. short-term noise pollution, traffic impacts, etc.). However, Parker noted that the construction schedule is not set in stone, but did confirm that the City Engineer is coordinating the City projects. Parker advised that staff recommends approval as cumulative and other impacts have been mitigated to a less than significant level.

#### *Commissioner Questions/Comments*

Commissioner Stockness questioned if the project will cause bluff instability, and the projects impact on other scheduled projects, and the final location of the project.

Commissioner Lake questioned why the Edward's slide wasn't included in the cumulative impact analysis; she opined the project is critical. Commissioner Lake questioned the mention of costs and constraints on page 3 of 5 of the Response to Comments on Public Review Draft IS-MND. She questioned if the constraints on other alternatives were technical, cultural, or financial.

Parker reiterated that comprehensive, peer reviewed geotechnical studies and a groundwater model were performed to analyze bluff stability specifically, so it has been designed into the project. She advised that prior to breaking ground on the project, there will be time for review by staff and a coastal development permit will need to be processed. Parker again explained the final locations have not been completely finalized, but that most of the project is underground and the final project will come before the Planning Commission during late summer or fall 2019. Additionally, she stressed that a reasonable alternatives were evaluated, but could not confirm all that were considered by GHD and why each one was rejected. She noted that this project was first identified as a priority in the 2008 Trinidad-Westhaven Integrated Coastal Watershed Management Plan and has also been accepted by the Water Board as part of the City's ASBS Compliance Plan.

Commissioner Graves pointed out that the resolution title needs to be updated to include the correct project. Parker made note to make the correction. The resolution was amended to "*Resolution of the Planning Commission of the City of Trinidad Adopting a Mitigated Negative Declaration for the ASBS Stormwater Improvement Project – Phase 2.*"

#### *Public Comment*

None

#### *Commissioner Discussion*

Commissioner Lake advised she does not feel well-informed, as an EIR was not provided. She opined that coordination of the projects scheduled for the summer will be poor. Commissioner Graves advised that coordination will be completed by the City Manager and Engineering Department to ensure a smooth construction season.

*Motion (Stockness/Kelly) to adopt resolution 2019-2 as amended. Motion passed unanimously (4-0).*

2. Gilmour 2019-04: Design Review and Coastal Development Permit to extend an existing, approximately 8' by 22' deck by 8' to the south and 4' to the east. The finished deck will be approximately 16' x 27' and will vary in height from the ground due to the slope of the property. New stairs will provide access to the deck from the south. Located at: 824 Edwards Street; APN: 042-041-043. Continued from the May 15, 2019 agenda.

#### *Staff report*

Parker advised the property is located on the north side of Edwards St. and is zoned UR – Urban Residential. Currently the structure on the property is a 60' x 30' single-story, single-family residence on the northwestern portion of the lot. She stated the project will have minimal visual impacts, but clarified that the project requires design review, as only low decks up to 30" in height or decks inside fenced areas are exempt. Parker confirmed the proposed project will not change the square footage or impact the leachfield, and deck extension will meet all setbacks. Parker explained that the conditions of approval are relatively standard and stated that the applicant has already submitted their OWTS permit application.

#### *Commissioner Questions/Comments*

Stockness questioned the location of the septic tank, and how it is serviced. Lake questioned the drive-ability of the driveway where the septic tanks are located. Commissioner Kelly disclosed that she drove by the property, read the staff report and provided documents, and confirmed that it seems to be a reasonable request. Commissioner Graves echoed Kelly's statement.

Parker confirmed the leach field is in the front of the property, further south than the deck. She explained that the septic tank is concrete and is located underneath the driveway, and is accessible via man holes. She stated it was approved by the Health Department, so is assumedly rated for traffic; that the project will not impact the septic/leach field.

#### *Public Comment*

M. McHenry (speaking on behalf of the applicant) advised the owner has not had problems with the septic tank; the driveway is crack free and the OWTS permit was submitted last week.

#### *Commissioners Discussion*

Graves advised that the conditions of approval are relatively standard. Stockness suggested that because the property is on a main street the construction company should park in the driveway. McHenry advised the contractor works alone, and the driveway is large.

*Motion (Lake/Kelly) to adopt the information and required Design Review and View Protection and other findings in the staff report and approve the project as submitted in the*

*application and described in the staff report, and as conditioned herein. Motion passed unanimously (4-0).*

3. TCLT 2019-05: Use Permit and Coastal Development Permit to remove one large (>12" DBH) non-native, holly tree that poses potential hazard to structures, City infrastructure (sidewalk) and blocks sunlight to an historic structure. A prior request to remove the tree in 2012 was approved, but the approval has expired. Located at: 490 Trinity Street; APN: 042-031-027.

Graves, Kelly, and Stockness disclosed they are TCLT donors, but they have not discussed the project and have no decision-making authority with the TCLT. Lake disclosed she once was the president of the TCLT.

#### *Staff report*

Parker advised the applicant submitted the same application in 2012, which was approved, but the tree wasn't removed prior to the permit's expiration. She explained the project is to remove a non-native, holly tree that is posing potential hazards to City infrastructure, such as streets and sidewalks as well as to the property itself. Parker advised that the removal will require a Coastal Development Permit, a use permit, and an encroachment permit. Parker confirmed that the arborist recommends a replacement of vegetation that is small, deciduous and native, and the City Engineer confirmed the the removal must be completed outside of nesting season. Parker stated the structure will not be impacted, and the septic is not near the site of removal. She specified the approval is for a 1-year permit, and that if the stump is removed and soil is disturbed, a cultural monitor will need to be present.

#### *Commissioner Questions/Comments*

Commissioner Lake questioned the cost of the permit and whether or not the Land Trust understood the cultural monitoring process. Lake questioned if there were comments in 2012 about its removal. Kelly advised that there were numerous comments about keeping the tree in 2012, but was unaware that the nesting birds were a nuisance. Kelly stated that her personal preference would be to remove the stump, and may ask for a condition.

Parker confirmed the applicant is responsible for paying the City's costs of processing the permit, and the deposit is \$750, but the TCLT could potentially get a refund, because the staff report had already been written. She confirmed that there were several objections to the tree removal from members of the public during the 2012 hearing. She also explained that there is no formal process of obtaining a cultural monitor, but that the City can provide guidance.

#### *Public Comment*

B. Morehead (TCLT) advised the stump will be removed and a cultural monitor will be present; the TCLT has employed monitors in the past. Morehead confirmed the TCLT is planning on removing the tree in November 2019, post nesting season. He stated the Ned

Simmons did agree to the cutting before he passed, as he was more concerned with the biological side, than the historical connection.

Commissioner Lake stated he never publically voiced it, and noted that some of the objections in 2012 were related to that.

*Motion (Kelly/Stockness) to adopt the information and findings in the staff report and approve the project as conditioned. Motion passed unanimously (4-0).*

4. Spiegle 2019-06: Coastal Development Permit and Design Review add approximately 508 sq. ft. to the existing 294 sq. ft. second story deck. The new deck will follow the footprint of an existing concrete patio along the west side of the residence. Located at: 895 Underwood Dr.; APN: 042-031-001.

#### *Staff Report*

Parker explained the project is located adjacent to the Trinidad State Park, a designated open space area and a public trail, so additional consideration is warranted. She confirmed the materials used to add approximately 508 sq. ft. to the second story deck will match the existing residence, and the deck will mainly consist of glass and wood. Parker advised that the existing 294 sq. ft. deck is also being replaced as part of this project, but that would be exempt from review as it falls under the repair and maintenance exemption. She confirmed square footage will not be added the house itself, the deck should have minimal visual impacts, and setbacks are met. Parker confirmed story poles were requested.

#### *Commissioner Questions/Comments*

Kelly opined that she didn't think there would be private viewshed issues with this project. Stockness voiced her concern regarding the trail located in-between the house and bluff, due to its frequent use. She also voiced her concern regarding viewshed impacts. Lake echoed Stockness' concern; she walked along Underwood and felt that the views of neighbors across the street could be impacted.

#### *Public Comment*

D. Ferguson (Discovery Design) and R. Tudor (Build's Pro) spoke on behalf of the applicant. They explained the deck only protrudes a small length on the north side adjacent to the park, and the railing is glass, thereby minimizing visual impact on the north side. They advised that story poles have been up for a week (June 13<sup>th</sup>) and no comments have been made; they had one call from a neighbor with questions. They explained that the project will not protrude past the roofline. Ferguson explained the deck is in similar scale with the neighboring decks. They advised the story poles were added for full transparency, despite the lack of an ordinance.

Commissioner Graves questioned if it would be an inconvenience if the decision was delayed. Ferguson explained it will be a problem, because they cannot wait much longer to order the doors as they must be installed during dry weather. Commissioner Lake advised

she is concerned about the reflection of the glass, as it could be quite significant from the trail.

Tudor stated multiple residences have glass decks. Ferguson advised it is single pane, which is not that reflective. Commissioner Graves complimented the visual presentation.

*Commissioner Discussion*

By acclamation, the meeting was adjourned at 7:32 pm to visit the site.

During the site visit, Lake advised that the deck is still viewable from the street, and questioned if they considered cables instead of glass. Ferguson and Tudor reiterated single pane glass is not very reflective and explained that cables are not as stable (it was later mentioned that cables are a poor design for child safety). Commissioners walked the site and made general observations. The meeting reconvened at Town Hall at 8:04 pm.

Kelly advised it was valuable to walk the site, as she feels comfortable that the applicant has developed a design that is minimally intrusive. Graves echoed Kelly's comment. Stockness opined the glass will be visible from the park, but from the trail everything is hidden. Stockness stated she is favor of the project, as the viewshed is minimally impacted.

*Motion (Kelly/Graves) to adopt the information and required Design Review and View Protection and other findings in the staff report and approve the project as submitted in the application and described in the staff report, and as conditioned herein. Motion passed unanimously (4-0).*

5. General Plan Update: Discussion of next steps and scheduling.

Parker advised there is no new material to present, but staff is at a point where they can reconvene review of the General Plan. Parker presented the LCP grant schedule, and advised she would like to begin scheduling special meetings. She stated she will soon have the City and service area water demand assessment prepared. She opined there are advantages and disadvantages of annexation and the City needs to determine the prioritization of hookups. Parker advised that Patrick's Point Drive is a commercial area that is a potential revenue source. The next step is to look at a water supply and risk assessment on Luffenholtz Creek, and assessing the water rights of the watershed, while also analyzing the water rates structure. A special meeting for July 1<sup>st</sup> was scheduled to discuss the general plan update. Commissioner Graves advised the only way to approach the General Plan is to go chapter by chapter and pass each along to the Council as the Planning Commission finishes each one. Lake echoed his statement.

Parker advised she spoke to the California Coastal Commission staff and they admitted they have been remiss by not providing comments. The CCC has advised that they will be providing comments on the General Plan moving forward. Parker stated she will start meeting with the CCC and discuss the implementation plan, who will be taking a big picture approach to the General Plan. Parker requested to be notified of red flags,

background studies needed, etc. The CCC will also look at organization and how to separate the Coastal Certified Element.

Lake questioned if the implementation plan and the General Plan will be reviewed concurrently. Graves advised that ideally yes, but it will not happen. Lake stated that she wants to be provided with all documents submitted to the CCC, as they are public. Parker confirmed not all documents are available to the public, depending on what stage the document is in. Lake advised she is concerned about 24 hours notice for special meetings.

Lake questioned if we are close to a water policy. Parker explained that she met with the City Manager and City Engineer to talk about scopes of work for the next studies. Parker explained City staff are working towards a water policy.

## **V. COUNCIL REPORT**

Commissioner Graves stated the Council approved the budget for the Access Humboldt audio and video recording equipment.

Commissioner Lake questioned if the Rancheria submitted a formal connection application, where the location of the the AT&T cell tower will be, and whether a Planning Commission liaison for the Council has been determined. Lake further stated that she wants all public comments online by 2:00 pm of the meeting date. She also requested to know what the policy is for cultural monitoring and story poles, and whether there are forms.

Parker confirmed the Rancheria submitted a connection request letter, while also clarifying that it will also requires LAFCo approval. Parker confirmed that the proposed location of the cell tower is at the church on Berry Road, but clarified that it is a temporary location, because the Church does not want it indefinitely. Commissioner Graves stated he has not confirmed with Mayor Ladwig about a liaison. Parker advised that cultural monitoring protocols would be well-suited for placement in the cultural aspect of the General Plan, and the story poles could be put in the design section.

## **VI. STAFF REPORT**

No staff report was given. A discussion regarding upcoming meetings and overall general information took place during the General Plan agenda item and the Council Report.

## **VII. FUTURE AGENDA ITEMS**

General Plan, AT&T cell tower

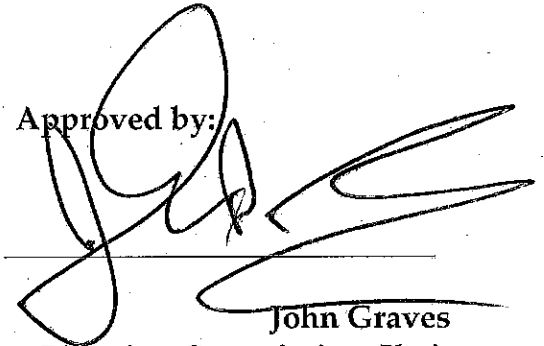
## **VIII. ADJOURNMENT**

Meeting has been adjourned at 8:59 pm. Next meeting regularly scheduled meeting is July 17, 2019. A special meeting was scheduled for July 1, 2019.

**Submitted by:**

**Angela Zetter  
Administrative Assistant**

**Approved by:**



**John Graves  
Planning Commission Chair**